

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SARA VITERI-BUTLER,

Plaintiff,

No. C 12-2651 PJH

v.

**ORDER DENYING REQUEST FOR
EXTENSION OF DISCOVERY CUTOFF**

UNIVERSITY OF CALIFORNIA,
HASTINGS COLLEGE OF THE LAW,
et al.,

Defendants.

Plaintiff filed a motion on October 30, 2013, two days prior to the previous November 1, 2013 discovery cutoff date, seeking a 90-day extension of time to complete discovery, which, according to plaintiff, included two depositions. Plaintiff noticed the motion for hearing on December 4, 2013. The court construed the motion as a motion for administrative relief under Civil Local Rule 7-11, and advised that defendant would be given four days to file an opposition, and that the court would resolve the motion on the papers.

On November 5, 2013, the court issued an order granting an extension, but directing that all discovery must be completed by November 20, 2013. The court also extended the dispositive motions filing deadline to December 6, 2013, and set a new dispositive motions hearing date on January 22, 2014. (The order mistakenly stated that the hearing would be on January 22, 2013, but the intent was clear from the order.) In addition, the order stated that "[n]o further continuances will be granted."

On November 15, 2013, counsel for plaintiff filed a letter (not a motion) with the court, seeking a further extension of the discovery cutoff date, and also apparently seeking some court intervention regarding the scope of deposition questioning of one of defendant's

1 witnesses, whose deposition was at that point scheduled for November 18, 2013.

2 According to defendant, the day following the filing of this letter with the court, plaintiff's
3 counsel notified defendant's counsel in writing that he was "taking the deposition 'off
4 calendar.'" Defendant states that it will "await direction from the [c]ourt before filing any
5 material as to this issue."

6 Given that the court already previously advised plaintiff that no further continuances
7 would be granted, and given that plaintiff first noticed the deposition for a date before the
8 discovery deadline, then attempted to present a dispute to the court regarding the scope of
9 questions that had not yet been asked, and then took the deposition off calendar, the court
10 finds that plaintiff's request must be DENIED.

11
12 **IT IS SO ORDERED.**

13 Dated: November 19, 2013



PHYLLIS J. HAMILTON
United States District Judge